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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,800	01/22/2004	James S. Gerber	OPT 50	5387
7590 09/30/2005 Henry I. Schanzer, Esq. 29 Brookfall road Edison, NJ 08817			EXAMINER NGUYEN, HOANG M	
			ART UNIT 3748	PAPER NUMBER

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Applicant's amendment dated September 8, 2005, has been fully considered.

Applicant's amendment has overcome the rejection of Kelly and Rich, but not the Dick reference. Applicant has discussed the claimed invention with the first embodiment of Dick, but not the embodiment of figure 4 in Dick. Please note figure 4 of Dick clearly discloses an outer float 6, an inner float having a spar shape 9, wherein the draft of the first float being substantially less than the draft of the second float. Therefore, a new ground of rejection has been made based on figure 4 of Dick.

This Office Action has been made non-final because the Dick reference was not used in the previous Office Action.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, are rejected under 35 U.S.C. 102(e) as being anticipated by US 6857266 (Dick).

Please note figure 4 of Dick clearly discloses an outer float 6, an inner float having a spar shape 9, wherein the draft of the first float being substantially less than

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the draft of the second float. Therefore, a new ground of rejection has been made based on figure 4 of Dick.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6857266 (Dick). Dick discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the configuration values as claimed.

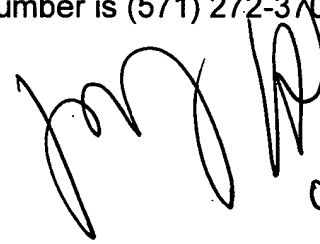
However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to elect different configurations for the floats in Dick for the purpose of achieving appropriate power output.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9306 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.



09/28/05

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
9/28/2005